



**NYCLU**

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BY ECF

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March 8, 2013

Honorable Sandra L. Townes  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Hadiyah Charles v. City of New York*, 12 Civ. 6180 (SLT)(SMG)

Dear Judge Townes:

On behalf of the plaintiff, who alleges she was unconstitutionally arrested for videotaping police officers stopping and frisking several youths on a public sidewalk, I write in response to the March 4, 2013, letter from Senior Corporation Counsel Mark Zuckerman seeking a pre-motion conference. Mr. Zuckerman and I have conferred and have agreed that we can resolve this matter without motion practice.

Mr. Zuckerman's letter indicated the defendants wished to move to dismiss the complaint to the extent it sought declaratory relief. As I have explained to Mr. Zuckerman, the complaint, which makes no mention of the Declaratory Judgment Act or of a declaratory judgment, was not intended to seek any formal relief under the statute. Rather, the three provisions asking that the Court "declare" the defendants' actions unlawful (Complaint at 16, ¶¶ B-D) were intended to refer only to the normal adjudication of the legality of actions that would be a predicate for an award of damages.

Given this, the plaintiffs have agreed to withdraw the three provisions to which the defendants object and will do so in conjunction with the filing of an amended complaint that will identify a current "John Doe" defendant. Mr. Zuckerman has informed me that this will resolve his concerns and obviate the need for motion practice.

Sincerely,

Christopher Dunn

c: Senior Corporation Counsel Mark Zuckerman